

# Index

## **ABUSE OF COMPUTER ACCESS**

Computer Fraud and Abuse Act of 1986, **9:19, App U**

## **ACCEPTABLE RESTRICTIONS**

Japanese guidelines, **16:14**

## **ACCIDENTAL DISCLOSURE**

Restatement (Third) of Unfair Competition, **3:15**

## **ACQUISITIONS**

**Evidence** (this index)

Restatement (Third) of Unfair Competition, **3:11**

## **ACTIVITY LIMITS**

Illinois, **31:25**

## **AD HOC SUBMISSIONS**

Title and ownership, **8:10**

## **ALABAMA**

Generally, **18:1 to 18:5**

Common law definitions, **18:2**

Definitions, common law, **18:2**

Limitation of actions, **18:3**

Remedies, **18:4**

Restrictive covenants, **18:5**

Uniform Trade Secrets Act, **18:1, App A2**

## **ALASKA**

Generally, **19:1 to 19:3**

Alaska Trade Secrets Act, **19:1**

Protection for ideas, **19:3**

Restrictive covenants, **19:2**

## **AMENDMENTS**

Economic Espionage Act of 1996 as amended, **4:5**

Fifth Amendment privilege in civil suits, **5:39**

Florida, restrictive covenants, **27:21, 27:22**

## **AMENDMENTS—Cont'd**

Japan Unfair Competition Prevention Law (Law No. 14 of 1934 after 1993 Amendment), **App R**

## **AMORTIZATION**

Taxation, Section 174(b), **14:10**

## **ANTICIPATION**

Title and ownership, **8:7**

## **ANTITRUST LAW**

Generally, **11:1 to 11:15**

Conspiracies and monopolies, **11:11**

Contracts and agreements, **11:3, 11:7, 11:10**

Duration of contracts and royalties, **11:7**

Enforcement, **11:13 to 11:15**

Exclusive dealing, **11:8**

Field of use, **11:8**

FTC 1995 guidelines, **11:12**

Grantback provisions, **11:9**

Intellectual property licensing, **11:15**

Licensing

Conflicts with patent and antitrust laws, **15:3**

Duration of contracts and royalties, **11:7**

Grantback provisions, **11:9**

Intellectual property licensing, **11:15**

1995 Justice Department and FTC guidelines, **16:8**

Product price restraints, **11:5**

Quantity and field of use restrictions and exclusive dealing, **11:8**

Restrictions, generally, **11:4 to 11:10**

Territorial restraints, **11:6**

Typing agreements, **11:10**

Limitations and restrictions. Licensing restrictions, above

**ANTITRUST LAW—Cont'd**

- Monopolies, **11:11**
- Patents, **11:2**
- Price restraints, **11:5**
- Product price restraints, **11:5**
- Quantity and field of use restrictions and exclusive dealing, **11:8**
- Royalties, **11:7**
- Secrecy agreements as restraints of trade, **11:3**
- Territorial restraints, **11:6**
- Time, **11:7**
- Typing agreements, **11:10**
- U.S. Department of Justice, **11:12 to 11:15, App M**
- Use restrictions, **11:8**

**ARIZONA**

- Generally, **20:1 to 20:3**
- Arizona Trade Secrets Act, **20:1**
- Common law definitions, **20:2**
- Restrictive covenants, **20:3**

**ARKANSAS**

- Generally, **21:1 to 21:3**
- Arkansas Trade Secrets Act, **21:1**
- Common law definitions, **21:2**
- Restrictive covenants, **21:3**

**ASIAN LAWS**

- Generally, **17:1 to 17:9**
- Attorneys fees awards, **17:6**
- Common provisions, **17:3**
- Comparison of trade secret laws for United States and Asian Nations, **App Q**
- Criminal law, **17:7**
- Japan
  - Licenses and Licensing** (this index)
  - Unfair Competition Prevention Law of Japan (Law No. 14 of 1934 after 1993 Amendment), **App R**
- Korea, Unfair Competition Prevention Act of (1992), **App S**
- Licenses and Licensing** (this index) Summary, **17:9**
- Taiwan Trade Secrets Act (January 19, 1996), **App T**

**ASIAN LAWS—Cont'd**

- Technology licenses, **17:8**
- Unfair Competition Prevention Act of Korea (1992), **App S**
- Varying provisions, by nation, **17:4**
- Varying remedies, **17:5**

**ASSIGNABILITY**

- Florida, **27:19**

**ATTORNEYS' FEES**

- Generally, **7:27**
- Asian laws, **17:6**
- California, **22:6**
- Defend Trade Secrets Act, **4:12**
- Florida, **27:11**
- Illinois, **31:13**
- Restatement (Third) of Unfair Competition, **3:26**
- Tennessee, **60:5**
- Uniform Trade Secrets Act, **3:44**
- Utah, **62:5**

**AUTHORIZATION**

- Computer Fraud and Abuse Act of 1986, exceeding authorized access, **9:19**
- Freedom of Information Act (FOIA), **12:16**

**BIBLIOGRAPHY**

- Generally, **App V**

**BLACK LIST**

- Licensing, EEC block exemption regulations, **16:23, 16:27, 16:31**

**BLOCK EXEMPTION REGULATIONS**

- Licenses and Licensing** (this index)

**BONDS**

- Florida, **27:9**
- New York, **50:10**
- Preliminary injunction bonds, **27:9, 50:10**
- Preliminary injunctions, **7:11**

**BREACH OF FIDUCIARY OBLIGATIONS**

- Illinois, **31:21**

## INDEX

### **BURDEN OF NOTIFICATION**

Licensing, EEC block exemption regulations, **16:18**

### **BURDEN OF PROOF**

Establishing case, **5:3**

### **BUSINESS AND PROFESSIONS CODE**

California, Section 16600, **22:20**

### **BUSINESS INFORMATION**

Illinois, **31:5, 31:20**

### **BUSINESS INTERESTS**

Restrictive covenants, **13:9**

### **CALIFORNIA**

Generally, **22:1 to 22:24**

Attorneys' fees, **22:6**

Business and Professions Code Section 16600, **22:20**

Choice of law rules, **22:13**

Common law actions, generally, **22:18**

Common law definitions

Generally, **22:7 to 22:14**

Choice of law rules, **22:13**

Delivery routes and customer lists, **22:12**

Fiduciary obligations, **22:11**

Novelty requirements, **22:9**

Property rights, **22:10**

Remedies, **22:14**

Restatement Section 757, **22:8**

Construction and interpretation, **22:19**

Contracts and agreements, **22:19, 22:21, 22:22**

Criminal statutes, **22:23**

Customer lists, **22:12**

Damages, **22:5**

Definitions

Common law definitions, above

Statutory definitions, below

Delivery routes and customer lists, **22:12**

Fiduciary obligations, **22:11**

Injunctions, **22:4**

Insurance coverage, **22:24**

Internet postings, **22:16**

### **CALIFORNIA—Cont'd**

Invention agreements, **22:21**

Jurisdiction, **22:16**

Licenses, **22:22**

Limitation of actions, **22:3, 22:17**

Lists and listings, **22:12**

Long arm jurisdiction, **22:16**

Misappropriation, **22:2**

Novelty requirements, **22:9**

Place or location, **22:12**

Pleadings, **22:15**

Preemption, **22:6.50**

Professions, Business and Professions Code Section 16600, **22:20**

Property rights, **22:10**

Restatement Section 757, **22:8**

Restrictive covenants, **22:19, 22:20**

Statutes, criminal, **22:23**

Statutory definitions

Generally, **22:1 to 22:6.50**

Attorneys' fees, **22:6**

Damages, **22:5**

Injunctions, **22:4**

Limitation of actions, **22:3**

Misappropriation, **22:2**

Preemption, **22:6.50**

Trade secrets, **22:1**

Trial, **22:15**

### **CAPITAL GAINS**

Taxation, **14:5, 14:7, 14:8**

### **CAUSES OF ACTION**

Illinois, **31:15**

### **CHECKLISTS**

**Evidence** (this index)

### **CHOICE OF LAW**

Generally, **4:13 to 4:17**

California, **22:13**

Contract actions, **4:14**

Delaware, **26:3**

Erie v. Tomkins, **4:12**

Federal circuit versus regional circuit law, **4:16**

Florida, **27:24**

Illinois, **31:29**

**CHOICE OF LAW—Cont'd**

International Trade Commission,  
4:17  
Missouri, 43:1.30  
New Jersey, 48:3, 48:18  
New York, 50:14  
Regional circuit law, 4:16  
Restrictive covenants, 13:6  
Tennessee, 60:3  
Tort actions, 4:15

**CHRYSLER v. BROWN DECISION**

Freedom of Information Act (FOIA),  
12:11

**CIVIL ACTIONS**

Fifth Amendment privilege, 5:39  
Germany, 16:34  
Property theory, 4:3

**CLEARANCE PROCEDURES**

Licensing, Japanese guidelines, 16:12

**CODES**

Computer technology, 9:11, 9:12

**COLORADO**

Generally, 23:1 to 23:4  
Colorado Trade Secrets Act, 23:1  
Common law definitions, 23:3  
Limitation of actions, 23:2  
Restrictive covenants, 23:4

**COMMERCIAL INFORMATION**

Freedom of Information Act (FOIA),  
12:8 to 12:10

**COMMERCIAL MORALITY**

Maintenance, 1:3

**COMMON LAW**

California (this index)

Definitions

Generally, 3:4  
Alabama, 18:2  
Arizona, 20:2  
Arkansas, 21:2  
Colorado, 23:3  
Connecticut, 24:2  
Delaware, 26:2  
Florida, 27:2  
Georgia, 28:2

**COMMON LAW—Cont'd**

Definitions—Cont'd

Illinois, 31:17  
Indiana, 32:2  
Iowa, 33:2  
Kansas, 34:3  
Kentucky, 35:2  
Louisiana, 36:2  
Michigan, 40:2  
Minnesota, 41:3  
Mississippi, 42:2  
Missouri, 43:2 to 43:5  
Nebraska, 45:2  
New Hampshire, 47:2  
New Jersey, 48:1.50  
New Mexico, 49:2  
New York, 50:1  
Ohio, 53:1  
Oklahoma, 54:2  
Oregon, 55:1  
Pennsylvania, 56:2  
Rhode Island, 57:2  
South Carolina, 58:2  
South Dakota, 59:2  
Tennessee, 60:2  
Texas, 61:2  
Utah, 62:2  
Vermont, 63:2  
Washington, 66:2  
Wisconsin, 68:1  
Wyoming, 69:2

Disclosures during employment, 8:1  
Employment, disclosure during, 8:1,  
8:5

English common law, 2:2

Guam, 28A:1

History, 2:2, 2:3, 39:3

Illinois (this index)

Maryland, 38:2

Misappropriation, 31:21

Modern common law, 39:4

Title and ownership, 8:1, 8:5

U.S. common law, 2:3

**COMMON LAW REMEDIES**

Rhode Island, 57:3

**COMMON PROVISIONS**

Asian laws, 17:3

## INDEX

### COMMON PUBLIC KNOWLEDGE

Evidence, **5:29**

### COMPENSATORY DAMAGES

Generally, **7:20 to 7:22**

Illinois, **31:10**

### COMPETITION

Anticipation, **8:7**

Freedom of Information Act (FOIA),  
**12:10**

**Unfair Competition** (this index)

### COMPUTER FRAUD AND ABUSE ACT OF 1986

Computer technology, **9:19**

Text of 18 U.S.C.A. § 1030, **App U**

### COMPUTERS AND COMPUTER TECHNOLOGY

Generally, **9:1 to 9:19**

Codes, **9:11, 9:12**

Combination of known elements, **9:4**  
Computer Fraud and Abuse Act of  
1986, **9:19, App U**

Confidential restrictions, software  
distribution with, **9:13**

Copyrights, **9:9, 9:15**

Distribution of software, **9:13 to 9:15**

Early developments, **9:1**

Enforcement, **App C3, App C4**

Evidence, **5:24**

Free speech, codes as, **9:12**

Hardware, **9:2**

Identification, **9:8**

Illinois Software License Enforce-  
ment Act, Ill. Rev. Stat., Ch. 29,  
§§ 801-808 (1985) (effective  
July 1, 1986) (Repealed in  
1987), **App C4**

Label licenses, sample, **App C2**

Licenses and licensing

Illinois Software License Enforce-  
ment Act, Ill. Rev. Stat., Ch.  
29, §§ 801-808 (1985) (effec-  
tive July 1, 1986) (Repealed  
in 1987), **App C4**

Louisiana Software License  
Enforcement Act (La. Rev.  
Stat. Title 51, Chap. 27:  
§§ 1951-1956), **App C3**

### COMPUTERS AND COMPUTER TECHNOLOGY—Cont'd

Licenses and licensing—Cont'd

Sample software licensing, **App  
C1 to App C4**

Shrinkwrap license, **9:14**

Test or package label licenses,  
sample, **App C2**

Limitations and restrictions, **9:13**

Louisiana Software License Enforce-  
ment Act (La. Rev. Stat. Title  
51, Chap. 27: §§ 1951-1956),  
**App C3**

Misappropriation, **9:6**

New York, **50:8**

Notice and knowledge, **9:4, 9:15**

Object codes, **9:11, 9:12**

Package label, **App C2**

Preemption, **9:9, 9:18**

Protection available for software, **9:3**

Sample software licensing, **App C1  
to App C4**

Secrecy, **9:5**

Security precautions, **9:7**

Semiconductor Chip Protection Act  
of 1984, **9:16 to 9:18**

Shrinkwrap, **9:10, 9:14**

Software, generally, **9:3 to 9:9**

Source codes versus object codes,  
**9:11, 9:12**

Statutes

Illinois Software License Enforce-  
ment Act, Ill. Rev. Stat., Ch.  
29, §§ 801-808 (1985) (effec-  
tive July 1, 1986) (Repealed  
in 1987), **App C4**

Louisiana Software License  
Enforcement Act (La. Rev.  
Stat. Title 51, Chap. 27:  
§§ 1951-1956), **App C3**

Semiconductor Chip Protection  
Act of 1984, **9:16 to 9:18**

Systems as trade secrets, generally,  
**9:2 to 9:10**

Taxation, **14:11**

Test or package label licenses,  
sample, **App C2**

### CONCEALMENT

Limitation of actions, **4:21**

**CONCRETENESS**

Evidence, **5:30**

**CONDITIONS OF DISCLOSURE**

Employment, during, **8:2 to 8:5**

**CONDITIONS OF EMPLOYMENT**

Restrictive covenants, **13:5**

**CONFIDENCE**

Restatement (Third) of Unfair Competition, **3:17**

**CONFIDENTIALITY AND  
CONFIDENTIAL  
INFORMATION**

Computer technology, **9:13**

Evidence, **5:17, 5:21, 5:23**

Freedom of Information Act (FOIA),  
**12:8 to 12:10**

Licensing, **15:13**

Missouri, **43:5**

Notices and limited licenses, sample,  
**App B2**

Oregon, **55:2**

Restrictive covenants, **13:2 to 13:4**

Submission contracts, exemplary,  
**App E**

Texas, **61:3**

**CONFLICT OF LAWS**

Licensing, **15:3**

**CONFLICT OF RULES**

Contract actions, **4:14**

Tort actions, **4:15**

**CONFLICTS BETWEEN  
INVENTORS**

Patent law, **10:3**

**CONMAR RULE**

Termination of trade secrets, **6:10**

**CONNECTICUT**

Generally, **24:1 to 24:3**

Common law definitions, **24:2**

Connecticut Trade Secrets Act, **24:1**

Restrictive covenants, **24:3**

**CONSIDERATION**

Illinois, **31:26**

**CONSPIRACIES**

Antitrust law, **11:11**

**CONSTRUCTION AND  
INTERPRETATION**

California, **22:19**

Florida, **27:16**

Licensing, **15:1**

New Jersey, **48:14**

New York, **50:17**

Uniform Trade Secrets Act, **3:30**

**CONTRACTS AND AGREEMENTS**

Antitrust law, **11:3, 11:7, 11:10**

California, **22:19, 22:21**

Choice of law, **4:14**

Confidential idea submission  
contracts, exemplary, **App E**

Confidential notices and limited  
licenses, sample, **App B2**

Damages, **7:19**

Employee trade secret agreements,  
sample, **App B1**

Evidence, **5:22**

Existence of trade secret, **5:21**

Florida, **27:16**

Illinois, **31:27**

Japanese guidelines for regulation of  
unfair trade practices, **App N**

Kansas, **34:4**

**Licenses and Licensing** (this index)

Limitation of actions, **4:19**

Limitations and restrictions, **App B1,**  
**App B2**

New Jersey, **48:12, 48:14**

New York, **50:17**

Nonconfidential idea submission  
contracts, exemplary, **App D**

North Carolina, **51:3**

Notice and knowledge, **App B1, App**  
**B2**

Ohio, **53:7**

**Restrictive Covenants** (this index)

Sample trade secret agreements,  
notices and limited licenses,

**App B1, App B2**

Theory, generally, **4:1**

**CONTROLLING LAW**

Licensing, **15:2**

## INDEX

### **CONTROLLING LAW—Cont'd**

Limitation of actions, **4:18**

### **COPYRIGHT LAW**

Generally, **10:7, 10:8**

Computer technology, **9:9, 9:15**

Kansas, **34:2**

New Jersey, **48:4**

New York, **50:6**

Notice, **10:8**

Preemption

Generally, **10:7**

Computer technology, **9:9**

Kansas, **34:2**

New Jersey, **48:4**

New York, **50:6**

Registration, **10:8**

Termination of trade secrets, **6:5**

### **COSTS AND EXPENSES**

Taxation, **14:9, 14:11**

### **COURT RECORDS**

Disclosure, **5:36**

### **COVENANTS**

**Restrictive Covenants** (this index)

### **CREDIT**

Taxation, **14:12**

### **CRIMINAL LAW**

Asian laws, **17:7**

California, **22:23**

Economic Espionage Act of 1996 as amended, **4:5**

Indiana, **32:3**

Louisiana, **36:3**

Massachusetts, **39:6**

New Jersey, **48:19**

Penalties, **39:6, 48:19**

Pennsylvania, **56:8**

Property emphasis, **4:4**

Sanctions

Generally, **4:4, 4:5**

Economic Espionage Act of 1996 as amended, **4:5**

Indiana, **32:3**

Louisiana, **36:3**

Pennsylvania, **56:8**

Property emphasis, **4:4**

### **CRIMINAL LAW—Cont'd**

State laws, **App L**

Texas, **61:10**

### **CURRENT EXPENSES**

Taxation, **14:9**

### **CUSTOMER LISTS**

California, **22:12**

Restatement (Third) of Unfair Competition, **3:9**

Uniform Trade Secrets Act, **3:37**

### **DAMAGES**

Generally, **7:19 to 7:26**

California, **22:5**

Common law remedies, **57:3**

Compensatory damages, **7:20 to 7:22**

Contract damages, **7:19**

Defend Trade Secrets Act (DTSA), **4:11**

Florida, **27:10, 27:11, 27:23**

Illinois, **31:10 to 31:12**

Interest on money, **7:25**

Missouri, **43:9**

New Jersey, **48:10**

New York, **50:12**

Punitive damages, **3:26, 7:24**

Reasonable royalty, **7:21**

Restatement (Third) of Unfair Competition, **3:24 to 3:26, 7:23**

Restrictive covenants, **27:23**

Rhode Island, **57:3**

Royalty, **7:21**

Statutory definitions, **22:5**

Tennessee, **60:5**

Tort versus contract damages, **7:19**

Uniform Trade Secrets Act, **3:42**

Use, **7:20, 7:22**

Vicarious liability, **7:26**

### **DEDUCTIONS**

Taxation, **14:9 to 14:11**

### **DEFEND TRADE SECRETS ACT**

Generally, **4:6 to 4:12, App P3**

Actions, **4:6 to 4:12**

Definitions, **4:8**

Interstate requirements, **4:8**

Limitation of actions, **4:23**



**DEFEND TRADE SECRETS ACT**  
**—Cont'd**

Pleadings, **4:7**  
 Remedies  
   Generally, **4:9 to 4:12**  
   Attorneys' fees, **4:12**  
   Damages, **4:11**  
   Injunctions, **4:9**  
   Seizures, **4:10**  
   Temporary restraining orders (TROs), **4:9**

**DEFINITIONS**

Generally, **3:1 to 3:50**  
**California** (this index)  
 Choice of law rules, **22:13**  
**Common Law** (this index)  
 Customer lists, **22:12**  
 Defend Trade Secrets Act (DTSA), **4:8**  
 First Restatement of Torts, **3:2, 3:3**  
 Non-technical secrets, **3:3**  
 Restatement of Torts, **3:4**  
**Restatement (Third) of Unfair Competition** (this index)  
**Statutes** (this index)  
 Taxation, **14:2, 14:3**  
 Trade secrets, **3:2**  
**Uniform Trade Secrets Act** (this index)  
 U.S. Supreme Court decisions, **3:27**

**DELAWARE**

Generally, **26:1 to 26:4**  
 Choice of law, **26:3**  
 Common law definitions, **26:2**  
 Delaware Trade Secrets Act, **26:1**  
 Restrictive covenants, **26:4**

**DELIVERY ROUTES**

California, **22:12**

**DIRECTIVES**

European Union, **App O2**  
 Germany, licenses and licensing, **16:36**

**DISCLOSURE**

Court records, **5:36**  
 Discovery, **5:35**  
**Evidence** (this index)

**DISCLOSURE—Cont'd**

Freedom of Information Act (FOIA), **12:2**  
 Germany, non-disclosure agreements, **16:35**  
 Protective orders, **5:33**  
**Restatement (Third) of Unfair Competition** (this index)  
 State secrets, **5:37**  
 Termination of trade secrets, **6:4 to 6:7**  
**Title and Ownership** (this index)  
 Trial, **5:35**

**DISCOVERY**

Disclosure, **5:35**  
 Florida, **27:14**  
 New Jersey, **48:11**  
 New York, **50:15**  
 U.S. discovery for use in foreign suits, **5:44**

**DISHER**

Illinois, **31:14, 31:22**

**DISTRIBUTION**

Computer software, **9:13 to 9:15**

**DISTRICT OF COLUMBIA**

Generally, **25:1**  
 Uniform Trade Secrets Act, **25:1**

**DRAWINGS**

Evidence, **5:17**

**ECONOMIC ESPIONAGE ACT OF 1996**

Criminal sanctions, amendment of Act, **4:5**

**ECONOMIC ESPIONAGE ACT OF 1996 (18 U.S.C. §§ 1831-1839)**

Generally, **App P1 et seq.**

**ECONOMIC VALUE**

Uniform Trade Secrets Act, **3:35**

**EEC (EUROPEAN ECONOMIC COMMUNITY)**

**Licenses and Licensing** (this index)



## INDEX

### EMPLOYMENT

- Contracts and agreements, sample,  
**App B1**
- Ohio, **53:7**
- Restatement (Third) of Unfair Competition, **3:18**
- Restrictive covenants, **13:5**
- Termination of trade secrets, **6:2**
- Title and Ownership** (this index)

### ENFORCEMENT

- Antitrust law, **11:13 to 11:15**
- Computers, software license acts,  
**App C3, App C4**
- Florida, **27:17**
- Illinois, **31:28**
- New Jersey, **48:15**
- New York, **50:18**
- Restrictive covenants, **13:8, 27:17, 31:28, 48:15**
- U.S. Department of Justice Licensing guidelines, **App M**

### ENGINEERING

- Evidence, **5:10**

### ENGLISH COMMON LAW

- History, **2:2**

### ENTRANCE INTERVIEWS

- Evidence, **5:25**

### ERIE v. TOMPKINS

- Choice of law, **4:13**

### ESPIONAGE

- Economic Espionage Act of 1996  
Amendment, **4:5**
- Economic Espionage Act of 1996 (18  
U.S.C. §§ 1831-1839)  
Text and legislative history, **App  
P1 et seq.**

### ESTABLISHING CASE

- Generally, **5:1 to 5:49**
- Burden of proof on owner, **5:3**
- Evidence** (this index)
- Litigation** (this index)
- Non-secret information, protection  
of, **5:50**
- Preponderance of evidence test, **5:4**
- Question of fact, **5:2**

### ESTABLISHING CASE—Cont'd

- Tests, **5:4**
- Title and ownership, **5:3**

### EUROPEAN ECONOMIC COMMUNITY (EEC)

- Licenses and Licensing** (this index)

### EUROPEAN UNION

- Trade secret directive, **App O2**

### EVIDENCE

- Acquisition, disclosure or use by  
accused  
Generally, **5:8 to 5:13**
- Duty against disclosure or use,  
**5:13**
- Independent development or  
reverse engineering, **5:10**
- Internet postings, **5:12**
- Procurement by proper or  
improper means, **5:9 to 5:12**
- Readily ascertainable information,  
**5:11**
- U.S. discovery for use in foreign  
suits, **5:44**
- Checklist. Existence of trade secret,  
below
- Common public knowledge, **5:29**
- Computer security, **5:24**
- Concreteness, **5:30**
- Confidentiality agreements, **5:21**
- Confidential stamps and legends,  
**5:17, 5:23**
- Contracts and agreements, **5:22**
- Disclosure. Acquisition, disclosure or  
use by accused, above
- Drawings, **5:17**
- Engineering, **5:10**
- Entrance interviews, **5:25**
- Establishing case, generally, **5:5 to 5:31**
- Existence of trade secret  
Generally, **5:14 to 5:31**
- Checklist, generally, **5:18 to 5:26**
- Common public knowledge, **5:29**
- Computer security, **5:24**
- Concreteness, **5:30**
- Confidential drawing legends, **5:17**
- Confidentiality agreements, **5:21**

**EVIDENCE—Cont'd**

Existence of trade secret—Cont'd  
 Confidential stamps and legends, **5:23**  
 Entrance interviews, **5:25**  
 Exit interviews, **5:26**  
 Known elements, compilation of, **5:28**  
 Novelty, **5:27 to 5:29**  
 Physical security, **5:20**  
 Reasonable secrecy precautions, generally, **5:16 to 5:26**  
 Record-keeping, **5:19**  
 Relative secrecy, **5:15**  
 Security checklist, generally, **5:18 to 5:26**  
 Security programs, **5:16**  
 Value, **5:31**  
 Vendor and supplier agreements, **5:22**  
 Exit interviews, **5:26**  
 Expert testimony, **5:48**  
 Florida, **27:3**  
 Illinois, **31:19**  
 Independent development or reverse engineering, **5:10**  
 Injunctions, **7:10**  
 Internet postings, **5:12**  
 Interviews, **5:25, 5:26**  
 Judicial tests, **5:5**  
 Legends, **5:17, 5:23**  
 New Jersey, **48:2**  
 New York, **50:2 to 50:4**  
 Notice and knowledge, **5:28, 5:29**  
 Novelty, **5:27 to 5:29**  
 Ohio, **53:5**  
 Oregon, **55:3**  
 Pennsylvania, **56:3**  
 Physical security, **5:20**  
 Procurement by proper or improper means, **5:9 to 5:12**  
 Public knowledge, **5:29**  
 Readily ascertainable information, **5:11**  
 Reasonable secrecy precautions.  
   Existence of trade secret, above  
 Record-keeping, **5:19**  
 Relative secrecy, **5:15**

**EVIDENCE—Cont'd**

Reverse engineering, **5:10**  
 Security checklist. Existence of trade secret, above  
 Security programs, **5:16**  
 Stamps, **5:23**  
 Supplier agreements, **5:22**  
 Tests, **5:5**  
 Texas, **61:5**  
 Title and ownership, **5:6, 5:7**  
 Use  
   Acquisition, disclosure or use by accused, above  
   Owner, **5:7**  
 Utah, **62:3**  
 Value, **5:31**  
 Vendor and supplier agreements, **5:22**  
 Virginia, **65:2**  
 Wisconsin, **68:2**

**EXCLUSIONS AND EXEMPTIONS**

Antitrust law, exclusive dealing, **11:8**  
**Freedom of Information Act (FOIA)** (this index)  
 Illinois, improper means, reverse engineering, independent development, **31:3**  
**Licenses and Licensing** (this index)

**EXEMPLARY DAMAGES**

Utah, **62:5**

**EXHAUSTION**

Licensing, **16:19**

**EXHAUSTION DOCTRINE**

Patent law, **10:6**

**EXIT INTERVIEWS**

Evidence, **5:26**

**EXPENSES**

**Costs and Expenses** (this index)

**EXPERIMENTS**

Taxation, **14:9 to 14:12**

**EXPERT AND OPINION**

**EVIDENCE**

Litigation, **5:48**

## INDEX

### EXTENDED WHITE LIST

Licensing, EEC block exemption regulations, **16:22, 16:26, 16:30**

### EXTRATERRITORIALITY

International Trade Commission, choice of law, **4:17**  
U.S. Department of Justice Licensing guidelines, **App M**

### FEDERAL CIRCUIT LAW

Choice of law, **4:16**

### FEDERAL COURTS

Venue, litigation, **5:42**

### FEDERAL GOVERNMENT

Freedom of Information Act (FOIA), impairment of government functions, **12:9**

### FEDERAL LAWS

**Statutes** (this index)

### FEDERAL QUESTION JURISDICTION

Generally, **5:41**

### FEDERAL TRADE COMMISSION (FTC)

Antitrust law, 1995 guidelines, **11:12**  
**Licenses and Licensing** (this index)

### FEES

**Attorneys' Fees** (this index)  
Insurance coverage, **5:46**

### FIDUCIARY OBLIGATIONS

California, **22:11**  
Illinois, **31:21**

### FIELD OF USE

Antitrust law, **11:8**

### FIFTH AMENDMENT

Civil suits, **5:39**

### FINANCIAL INFORMATION

Freedom of Information Act (FOIA), **12:8 to 12:10**

### FIRST INVENTORS

Patent law, **10:3**

### FIRST RESTATEMENT OF TORTS

Definitions, **3:2, 3:3**  
Non-technical secrets, **3:3**  
Trade secrets, **3:2**

### FLORIDA

Generally, **27:1 to 27:27**  
Amendments, **27:21, 27:22**  
Assignability, rules of, **27:19**  
Attorneys' fees, **27:11**  
Bonds, **27:9**  
Choice of law rule, **27:24**  
Common law definitions, **27:2**  
Competition, unfair, **27:26**  
Construction and interpretation, **27:16**  
Contract construction, **27:16**  
Damages, **27:10, 27:11, 27:23**  
Definitions, **27:2**  
Discovery, **27:14**  
Elements of proof, **27:3**  
Enforcement, rules of, **27:17**  
Evidence, **27:3**  
Freedom of Information Law, **27:27**  
Injunctions, **27:7 to 27:9, 27:20 to 27:22**  
Legal damages, **27:10**  
Limitation of actions, **27:12**  
1990 amendment, restrictive covenants before, **27:21**  
1990 and 1996 amendments, restrictive covenants after, **27:22**  
Nontechnical information, **27:5**  
Original ideas, protection for, **27:4**  
Preliminary injunction bonds, **27:9**  
Preliminary injunctions, **27:8**  
Privilege, **27:13**  
Protectable interest, **27:18**  
Protection for original ideas, **27:4**  
Public policy, **27:15**  
Remedies, generally, **27:6 to 27:11**  
Restrictive covenants  
Generally, **27:15 to 27:24**  
Assignability, rules of, **27:19**  
CHOICE Act, **27:25**  
Choice of law rule, **27:24**  
Contract construction, **27:16**  
Damages, **27:23**

**FLORIDA—Cont'd**

- Restrictive covenants—Cont'd
  - Enforcement, rules of, **27:17**
  - Injunctions, **27:20 to 27:22**
  - 1990 amendment, before, **27:21**
  - 1990 and 1996 amendments, restrictive covenants after, **27:22**
  - Protectable interest, **27:18**
  - Public policy, **27:15**
  - Statutes, **27:1**
  - Unfair competition, **27:26**
  - Uniform Trade Secrets Act, **27:1**

**FOIA**

- Freedom of Information Act (FOIA)** (this index)

**FOREIGN GOVERNMENT ENTITIES**

- Jurisdiction, **5:43**

**FORMS**

- Generally, **App F**

**FRAUDULENT CONCEALMENT**

- Limitation of actions, **4:21**

**FREEDOM OF INFORMATION ACT (FOIA)**

- Generally, **12:1 to 12:18, App F**
- Authorized by law under Section 1905, **12:16**
- Chrysler v. Brown decision, **12:11**
- Commercial information, **12:8 to 12:10**
- Competition, **12:10**
- Confidential commercial or financial information, **12:8 to 12:10**
- Damaging disclosure of private information, **12:2**
- Disclosure, **12:2**
- Exemption 3, **12:3, 12:14**
- Exemption 4
  - Generally, **12:4 to 12:10**
  - Confidential commercial or financial information, **12:8 to 12:10**
  - Impairment of government functions, **12:9**
  - Restatement Act, **12:6, 12:7**

**FREEDOM OF INFORMATION ACT (FOIA)—Cont'd**

- Exemption 4—Cont'd
  - Section 1905 and, **12:15**
  - Substantial competitive harm, **12:10**
  - Uniform Act, **12:6, 12:7**
- Exemptions, permissive, **12:12**
- Financial information, **12:8 to 12:10**
- Government functions, **12:9**
- Harm, **12:10**
- Impairment of government functions, **12:9**
- Intervention, motion to intervene in FOIA suit, **12:18**
- Motion to intervene in FOIA suit, **12:18**
- Permissive FOIA exemptions, **12:12**
- Post-Chrysler FOIA law
  - Generally, **12:12 to 12:17**
  - Authorized by law under Section 1905, **12:16**
  - Exemption 3 and Section 1905, **12:14**
  - Exemption 4 and Section 1905, **12:15**
  - Permissive FOIA exemptions, **12:12**
  - Reverse FOIA suits, **12:17**
  - Trade Secrets Act (18 U.S.C. § 1905), generally, **12:13**
- Private information, **12:2**
- Public policy, **12:1**
- Restatement Act, **12:6, 12:7**
- Reverse FOIA suits, **12:17**
- State laws
  - Florida, **27:27**
  - New Jersey, **48:21**
  - New York, **50:21**
- Substantial competitive harm, **12:10**
- Trade Secrets Act (18 U.S.C. § 1905).
  - Post-Chrysler FOIA law, above
- Uniform Act, **12:6, 12:7**

**FREE SPEECH**

- Computer technology, **9:12**

**FTC**

- Federal Trade Commission (FTC)** (this index)

## INDEX

### GEORGIA

- Generally, **28:1 to 28:3**
- Common law definitions, **28:2**
- Restrictive covenants, **28:3**
- Uniform Trade Secrets Act, **28:1**

### GERMANY

- Licenses and Licensing** (this index)

### GRANTBACK PROVISIONS

- Antitrust law, **11:9**

### GUAM

- Common law, **28A:1**
- Restrictive covenants, **28A:2**

### HARDSHIPS

- Injunctions, **7:9**

### HARDWARE

- Computer technology, **9:2**

### HARM

- Freedom of Information Act (FOIA), **12:10**
- Injunctions, **7:5 to 7:7**

### HAWAII

- Generally, **29:1 to 29:3**
- Long-arm jurisdiction, **29:2**
- Restrictive covenants, **29:3**
- Uniform Trade Secrets Act, **29:1**

### HISTORY

- Generally, **2:1 to 2:4**
- Common law
  - English common law, **2:2**
  - Massachusetts, **39:3**
  - U.S. common law, **2:3**
- Economic Espionage Act of 1996 (18 U.S.C. §§ 1831-1839) with legislative history, **App P1 et seq.**
- English common law, **2:2**
- Massachusetts, **39:3**
- U.S. common law, **2:3**
- U.S. Supreme Court cases, **2:4**

### HYBRID LICENSE

- Drafting considerations, **15:9**
- Patent and trade secret licenses, **15:8**

### IDAHO

- Generally, **30:1, 30:2**
- Restrictive covenants, **30:2**
- Uniform Trade Secrets Act, **30:1**

### IDENTIFICATION

- Computer technology, **9:8**
- Litigation, **5:32**

### ILLINOIS

- Generally, **31:1 to 31:29**
- Activity limits, **31:25**
- Attorneys' fees awarded, **31:13**
- Breach of fiduciary obligations, **31:21**
- Business information, **31:5, 31:20**
- Causes of action, **31:15**
- Choice of law rules, **31:29**
- Common law
  - Breach of fiduciary obligations, **31:21**
  - Definitions, **31:17**
  - Misappropriation, **31:21**
- Compensatory damages, **31:10**
- Computers, Software License Enforcement Act, Ill. Rev. Stat., Ch. 29, §§ 801-808 (1985) (effective July 1, 1986) (Repealed in 1987), **App C4**
- Consideration, **31:26**
- Contract stipulations, **31:27**
- Covered, non-technical business information as, **31:5**
- Damages recoverable, **31:10 to 31:12**
- Definitions, **31:17**
- Development, independent, **31:3**
- Disher, **31:14, 31:22**
- Enforcement, partial, **31:28**
- Engineering, reverse, **31:3**
- Evidence requirements, **31:19**
- Exclusions, **31:3**
- Illinois Trade Secrets Act, generally, **31:1 to 31:16.50**
- Improper means, reverse engineering, independent development, **31:3**
- Independent development, **31:3**
- Injunctions, **31:9**
- Interest on money, **31:12**
- Limitations on actions, **31:16.50**

**ILLINOIS—Cont'd**

- Limits and restrictions, **31:25**
- Misappropriation, **31:8, 31:21**
- Non-profit entities, **31:4**
- Non-technical business information, **31:5, 31:20**
- Partial enforcement, **31:28**
- Persons covered profit and non-profit entities, **31:4**
- Pleadings, **31:16**
- Preemption of other causes of action, **31:15**
- Prejudgment interest, **31:12**
- Profit entities, **31:4**
- Protectable interest, **31:24**
- Public policies underlying protection, **31:18**
- Punitive damages, **31:11**
- Readily ascertainable, **31:7**
- Relative secrecy, **31:6**
- Restrictive covenants
  - Generally, **31:23 to 31:28**
  - Consideration, **31:26**
  - Contract stipulations, **31:27**
  - Partial enforcement, **31:28**
  - Protectable interest, **31:24**
  - Time, territorial and activity limits, **31:25**
- Reverse engineering, **31:3**
- Secrecy, relative, **31:6**
- Statute of limitations, **31:16.50**
- Statutes, Illinois Trade Secrets Act, generally, **31:1 to 31:16.50**
- Stipulations, **31:27**
- Sufficiency of pleadings, **31:16**
- Territorial limits, **31:25**
- Time, **31:25**
- Uniform Trade Secrets Act, differences between, **31:2**

**IMMUNITY**

- Uniform Trade Secrets Act, **3:48, 3:49**

**IMPORTATION OF GOODS**

- International Trade Commission, choice of law, **4:17**

**INCOME**

- Taxation, **14:4**

**INDEPENDENT DEVELOPMENT**

- Generally, **5:10, 31:3**

**INDEPENDENT ECONOMIC VALUE**

- Uniform Trade Secrets Act, **3:35**

**INDIANA**

- Generally, **32:1 to 32:4**
- Common law definitions, **32:2**
- Criminal sanctions, **32:3**
- Restrictive covenants, **32:4**
- Uniform Trade Secrets Act, **32:1**

**INDUSTRIAL AND TRADE SECRETS PROTECTION ACT**

- Puerto Rico, **56A:1**

**INEVITABILITY DOCTRINE**

- Injunctions, **7:6**

**INITIAL ISSUES**

- Generally, **4:1 to 4:23**

**INJUNCTIONS**

- Generally, **7:1 to 7:18**
- Balance of hardships and public interest, **7:9**
- Bonds, **7:11, 27:9, 50:10**
- California, **22:4**
- Defend Trade Secrets Act (DTSA), **4:9**
- Evidence, **7:10**
- Florida, **27:7 to 27:9, 27:20 to 27:22**
- Hardships, **7:9**
- Harm, **7:5 to 7:7**
- Illinois, **31:9**
- Inevitability doctrine, **7:6**
- Irreparable harm, **7:5 to 7:7**
- Likelihood of success, **7:8**
- Limited injunctions, **7:14**
- Missouri, **43:7**
- Necessary proofs, **7:10**
- New Jersey, **48:7 to 48:9, 48:17**
- New York, **50:9 to 50:11**
- Orders, **7:3**
- Parties, **7:16**
- Permanent Injunctions** (this index)
- Perpetual injunctions, **7:13**
- Preliminary Injunctions** (this index)
- Presumption of harm, **7:7**

## INDEX

### **INJUNCTIONS—Cont'd**

- Public interest, **7:9**
- Restatement (Third) of Unfair Competition, **3:22, 7:18**
- Restraining orders, **7:3**
- Simultaneous injunctive and monetary relief, **7:1**
- Subject matter, **7:15**
- Success, likelihood of, **7:8**
- Temporary restraining orders, **7:3**
- Tennessee, **60:5**
- Territory, **7:17**
- Uniform Trade Secrets Act, **3:43**

### **INNOVATION**

- Encouragement of, **1:4**

### **INSURANCE COVERAGE**

- California, **22:24**
- Fees, **5:46**
- Insurance issues related to misappropriation, **7:29**

### **INTELLECTUAL PROPERTY**

- Antitrust law, licensing, **11:15**
- U.S. Department of Justice Licensing guidelines, **App M**

### **INTEREST ON MONEY**

- Damages, **7:25**
- Illinois, **31:12**
- Uniform Trade Secrets Act, **3:45**

### **INTERNAL REVENUE SERVICE (IRS)**

- Taxation, definition of taxable property, **14:3**

### **INTERNATIONAL OPERATIONS**

- International Trade Commission, choice of law, **4:17**
- U.S. Department of Justice Licensing guidelines, **App M**

### **INTERNATIONAL TRADE COMMISSION**

- Choice of law, **4:17**

### **INTERNET**

- California, **22:16**
- Evidence, **5:12**
- Termination of trade secrets, **6:7**

### **INTERNET—Cont'd**

- Uniform Trade Secrets Act, **3:39**

### **INTERPRETATION**

- Construction and Interpretation**  
(this index)

### **INTERSTATE REQUIREMENTS**

- Defend Trade Secrets Act (DTSA), **4:8**

### **INTERVIEWS**

- Evidence, **5:25, 5:26**

### **INVENTIONS AND INVENTORS**

- Agreements
  - California, **22:21**
  - New Jersey, **48:12**
  - North Carolina, **51:3**
- Patent law, conflicts between first inventors, **10:3**
- State laws, ownership rights, **App H**

### **IOWA**

- Generally, **33:1 to 33:3**
- Common law definitions, **33:2**
- Restrictive covenants, **33:3**
- Uniform Trade Secrets Act, **33:1**

### **IRREPARABLE HARM**

- Preliminary injunctions, **7:5 to 7:7**

### **IRS**

- Internal Revenue Service (IRS)**  
(this index)

### **JAPAN**

- Asian Laws** (this index)

### **JUDICIAL TESTS**

- Evidence, **5:5**

### **JURISDICTION**

- California, **22:16**
- Federal question, **5:41**
- Foreign government entities, **5:43**
- Long Arm Jurisdiction** (this index)
- New York, **50:13**

### **JURY INSTRUCTIONS**

- Generally, **5:38**

### **JURY TRIAL**

- Generally, **5:47**



## KANSAS

- Generally, **34:1 to 34:5**
- Common law definitions, **34:3**
- License agreements, **34:4**
- Preemption by Copyright Act, **34:2**
- Restrictive covenants, **34:5**
- Uniform Trade Secrets Act, **34:1**

## KENTUCKY

- Generally, **35:1 to 35:3**
- Common law definitions, **35:2**
- Restrictive covenants, **35:3**
- Uniform Trade Secrets Act, **35:1**

## KNOW-HOW LICENSES

- Licenses and Licensing** (this index)

## KNOWLEDGE

- Notice and Knowledge** (this index)

## KOREA

- Unfair Competition Prevention Act (1992), **App S**

## LABELS

- Computers, sample test or package label licenses, **App C2**

## LANHAM ACT

- Litigation, Section 43(a), **5:45**

## LEGAL DAMAGES

- Florida, **27:10**

## LEGENDS

- Evidence, **5:17, 5:23**

## LEGISLATIVE HISTORY

- Defend Trade Secrets Act of 2016, **App P3**
- Economic Espionage Act of 1996 (18 U.S.C. §§ 1831-1839), **App P1, App P2**

## LICENSES AND LICENSING

- Generally, **15:1 to 16:31**
- Acceptable restrictions, **16:14**
- After termination, **15:6**
- Agency analysis, **16:6**
- Antitrust Law** (this index)
- Asian laws
  - Generally, **17:8**
  - Japanese guidelines, below

## LICENSES AND LICENSING

### —Cont'd

- Before termination, **15:5**
- Black list, **16:23, 16:27, 16:31**
- Block exemption regulations. EEC
  - block exemption regulations, below
- Burden of notification, **16:18**
- California, **22:22**
- Clearance procedures, **16:12**
- Combined patent and know-how
  - block exemptions, **16:28 to 16:31**
- Computer technology, **9:14**
- Confidentiality provisions, **15:13**
- Conflicts with patent and antitrust laws, **15:3**
- Construction and interpretation, **15:1**
- Contracts and agreements
  - California, **22:22**
  - Confidential notices and limited licenses, sample, **App B2**
  - Japanese guidelines, below
  - Kansas, **34:4**
  - Notices and limited licenses, sample, **App B1, App B2**
  - Software licensing agreements, **15:10 to 15:13**
  - State laws, **15:4**
  - U.S. Department of Justice guidelines, **16:3**
- Controlling law, selection of, **15:2**
- Drafting considerations for hybrid licenses, **15:9**
- EEC block exemption regulations
  - Generally, **16:17 to 16:31**
  - Article 1 (1985), white list of basic provisions, **16:21**
  - Article 1 (1989), white list of basic provisions, **16:25**
  - Article 1 (1996), white list of basic provisions, **16:29**
  - Article 2 (1985), extended white list, **16:22**
  - Article 2 (1989), extended white list, **16:26**
  - Article 2 (1996), extended white list, **16:30**
  - Article 3 (1985), black list, **16:23**

## INDEX

### LICENSES AND LICENSING

#### —Cont'd

- EEC block exemption regulations
  - Cont'd
  - Article 3 (1989), black list, **16:27**
  - Article 3 (1996), black list, **16:31**
  - Burden of notification, **16:18**
  - Exhaustion of monopoly doctrine, **16:19**
  - 1989 know-how block exemptions, **16:24 to 16:27**
  - 1985 patent block exemptions, **16:20 to 16:23**
  - 1996 combined patent and know-how block exemptions, **16:28 to 16:31**
- European Economic Community (EEC)
  - Block exemption regulations. EEC block exemption regulations, above
  - Germany, below
  - 1957 Rome Treaty provisions and regulations dealing with patent and know-how licenses, **App O**
- Exemption regulations. EEC block exemption regulations, above
- Exhaustion of monopoly doctrine, **16:19**
- Extended white list, **16:22, 16:26, 16:30**
- FTC
  - Japanese guidelines, clearance procedures, **16:12**
  - U.S. Department of Justice guidelines, below
- General provisions, **15:12**
- Germany
  - General protection of trade secrets, **16:32 to 16:36**
  - Act against Unfair Competition (UWG), **16:33**
  - Background, **16:32**
  - BGB, German Civil Code, **16:34**
  - German Civil Code (BGB), **16:34**
  - Non-disclosure agreements, **16:35**
  - Trade secrets directive, **16:36**
  - Unfair competition, **16:33**

### LICENSES AND LICENSING

#### —Cont'd

- Germany—Cont'd
  - UWG, Act Against Unfair Competition, **16:33**
- Government regulations, generally, **16:1 to 16:31**
- Hybrid license, **15:8, 15:9**
- Interpretation of license, **15:1**
- Japanese guidelines
  - Acceptable restrictions, **16:14**
  - Analysis of know-how license agreements, **16:13 to 16:16**
  - FTC clearance procedures, **16:12**
  - Know-how license agreements, generally, **16:11 to 16:26**
  - Patent license agreements, generally, **16:11 to 16:26**
  - Questionable restrictions, **16:15**
  - Unacceptable restrictions, **16:16**
  - Unfair trade practices, regulation of, **App N**
  - Unfair trade practices with respect to patent and know-how license agreements, generally, **16:11 to 16:26**
- Kansas, **34:4**
- Know-how licenses
  - European Economic Community (EEC)
    - Block exemption regulations
      - 1989 know-how block exemptions, **16:24 to 16:27**
      - 1996 combined patent and know-how block exemptions, **16:28 to 16:31**
    - 1957 Rome Treaty provisions and regulations dealing with patent and know-how licenses, **App O**
  - Japanese guidelines, above
  - U.S. Department of Justice guidelines, **16:4**
- Limitations and restrictions, Japanese guidelines, **16:14 to 16:16**
- Lists and listings. EEC block exemption regulations, above

## LICENSES AND LICENSING

### —Cont'd

- Monopoly doctrine, exhaustion of, **16:19**
- 1989 know-how block exemptions, **16:24 to 16:27**
- 1985 patent block exemptions, **16:20 to 16:23**
- 1996 combined patent and know-how block exemptions, **16:28 to 16:31**
- Notice and knowledge
  - EEC block exemption regulations, **16:18**
  - Know-how licenses, above
- Patent law
  - Conflicts with patent and antitrust laws, **15:3**
  - EEC block exemption regulations
    - 1985 patent block exemptions, **16:20 to 16:23**
    - 1996 combined patent and know-how block exemptions, **16:28 to 16:31**
  - Hybrid patent and trade secret licenses, **15:8**
  - Japanese guidelines, above
  - Pure patent license, **15:7**
  - U.S. Department of Justice guidelines, **16:10**
- Pure patent license, **15:7**
- Pure trade secret license, **15:4 to 15:6**
- Questionable restrictions, **16:15**
- Rule of reason, **16:7**
- Selection of controlling law, **15:2**
- Shrinkwrap licenses, **15:11**
- Software licensing agreements, **15:10 to 15:13**
- State contract law controls, **15:4**
- Termination, **15:5, 15:6**
- Unacceptable restrictions, **16:16**
- Unfair trade practices. Japanese guidelines, above
- U.S. Department of Justice guidelines
  - Generally, **16:1 to 16:10, App M**
  - FTC. 1995 Justice Department and FTC guidelines, below this group

## LICENSES AND LICENSING

### —Cont'd

- U.S. Department of Justice guidelines
    - Cont'd
    - 1988 guidelines
      - Generally, **16:1 to 16:4**
      - Analysis, **16:2**
      - Know-how licensing situations, **16:4**
      - Treatment of agreements, **16:3**
    - 1995 Justice Department and FTC guidelines
      - Generally, **16:5 to 16:10**
      - Agency analysis, **16:6**
      - Antitrust safety zone, **16:8**
      - Application of principles, **16:9**
      - Invalid patent rights, **16:10**
      - Rule of reason, **16:7**
  - Validity, **16:10**
  - White lists. EEC block exemption regulations, above
- ## LIKELIHOOD OF SUCCESS
- Preliminary injunctions, **7:8**
- ## LIMITATION OF ACTIONS
- Generally, **4:18 to 4:23**
  - Alabama, **18:3**
  - California, **22:3, 22:17**
  - Colorado, **23:2**
  - Concealment, **4:21**
  - Contract actions, **4:19**
  - Controlling law, **4:18**
  - Defend Trade Secrets Act, **4:23**
  - Florida, **27:12**
  - Fraudulent concealment, doctrine of, **4:21**
  - Illinois, **31:16.50**
  - Massachusetts, **39:2**
  - Ohio, **53:9**
  - Pennsylvania, **56:6**
  - Selecting controlling law, **4:18**
  - Statutes, **3:46, 4:22**
  - Texas, **61:6**
  - Tort actions, **4:20**
  - Uniform Trade Secrets Act, **3:46, 4:22**
  - Washington, **66:1.30**

## INDEX

### LIMITATIONS AND RESTRICTIONS

**Antitrust Law** (this index)  
Computer technology, **9:13**  
Contracts and agreements, **App B1, App B2**  
Covenants. **Restrictive Covenants** (this index)  
Injunctions, **7:14, 43:8**  
Licensing, Japanese guidelines, **16:14 to 16:16**  
Permanent injunctions, **43:8**  
**Restrictive Covenants** (this index)

### LISTS AND LISTING

Customer lists, **3:9, 3:37, 22:12**  
**Licenses and Licensing** (this index)  
Restatement (Third) of Unfair Competition, **3:9**  
Uniform Trade Secrets Act, **3:37**

### LITIGATION

See also more specific headings throughout this index  
Generally, **5:32 to 5:46**  
Amendments, **5:39**  
Civil suits, **5:39**  
Court records, **5:36**  
Disclosure, **5:33, 5:35 to 5:37**  
Discovery, **5:35, 5:44**  
Expert testimony, **5:48**  
Federal question jurisdiction, **5:41**  
Fees, **5:46**  
Fifth Amendment privilege in civil suits, **5:39**  
Foreign government entities, **5:43**  
Identification, **5:32**  
Insurance coverage for fees, **5:46**  
Jurisdiction, **5:40 to 5:41**  
Jury instructions, **5:38**  
Jury trial, **5:47**  
Lanham Act, Section 43(a), **5:45**  
Long arm jurisdiction, **5:40**  
Orders, **5:33**  
Pleadings, **5:38**  
Privilege, **5:39**  
Protective orders, **5:33**  
Records and recording, **5:36**  
Related lawsuits, treatment of, **5:34**

### LITIGATION—Cont'd

Remedies, generally, **7:1 to 7:27**  
Sovereign immunity, waiver of, **5:49**  
State secrets, **5:37**  
Statutes, **5:45**  
Treatment of trade secrets, generally, **5:32 to 5:46**  
Trial, **5:35**  
Trial by jury, **5:47**  
U.S. discovery for use in foreign suits, **5:44**  
Venue, federal courts, **5:42**

### LONG ARM JURISDICTION

Generally, **5:40**

### LONG-ARM JURISDICTION

California, **22:16**  
Hawaii, **29:2**  
Minnesota, **41:2**  
Missouri, **43:1.70**  
Oklahoma, **54:3**

### LOUISIANA

Generally, **36:1 to 36:4**  
Common law definitions, **36:2**  
Criminal sanctions, **36:3**  
Restrictive covenants, **36:4**  
Software License Enforcement Act (La. Rev. Stat. Title 51, Chap. 27: §§ 1951-1956), **App C3**  
Uniform Trade Secrets Act, **36:1**

### MAINE

Generally, **37:1, 37:2**  
Restrictive covenants, **37:2**  
Uniform Trade Secrets Act, **37:1**

### MAINTENANCE

Commercial morality, **1:3**  
Morality, **1:3**  
Uniform Trade Secrets Act, **3:40**

### MARYLAND

Generally, **38:1 to 38:4**  
Common law, **38:2**  
Public Information Act, **38:5**  
Remedies, **38:3**  
Restrictive covenants, **38:4**  
Uniform Trade Secrets Act, **38:1**

## **MASSACHUSETTS**

Generally, **39:1 to 39:7**  
 Criminal penalties, **39:6**  
 Historical common law developments, **39:3**  
 Limitation of actions, **39:2**  
 Modern common law, **39:4**  
 1979 Uniform Trade Secrets Act (repealed), **App A3**  
 Remedies, **39:5**  
 Restrictive covenants, **39:7**  
 Statute, **39:1**

## **MICHIGAN**

Generally, **40:1 to 40:4**  
 Common law definitions, **40:2**  
 Remedies, **40:3**  
 Restrictive covenants, **40:4**  
 Uniform Trade Secrets Act, **40:1**

## **MINNESOTA**

Generally, **41:1 to 41:4**  
 Common law definitions, **41:3**  
 Long-arm jurisdiction, **41:2**  
 Restrictive covenants, **41:4**  
 Uniform Trade Secrets Act, **41:1**

## **MISAPPROPRIATION**

California, **22:2**  
 Computer technology, **9:6**  
 Illinois, **31:8, 31:21**  
 International Trade Commission, choice of law, **4:17**  
**Restatement (Third) of Unfair Competition** (this index)  
 Statutory definitions, **22:2**  
 Texas, **61:4**  
 Uniform Trade Secrets Act, **3:41**

## **MISSISSIPPI**

Generally, **42:1 to 42:3**  
 Common law definitions, **42:2**  
 Restrictive covenants, **42:3**  
 Uniform Trade Secrets Act, **42:1**

## **MISSOURI**

Generally, **43:1 to 43:10**  
 Choice of law, **43:1.30**  
 Common law definitions, **43:2 to 43:5**

## **MISSOURI—Cont'd**

Confidential relationships, **43:5**  
 Damages, **43:9**  
 Injunctions, **43:7**  
 Limited permanent injunctions, **43:8**  
 Long Arm Statute, **43:1.70**  
 1979 Uniform Trade Secrets Act (repealed), **App A3**  
 Permanent injunctions, **43:8**  
 Preemption, **43:1.30**  
 Preliminary injunctions, **43:7**  
 Property, trade secrets as, **43:2**  
 Remedies, **43:6 to 43:9**  
 Restatement Section 757, **43:3**  
 Restrictive covenants, **43:10**  
 Secrecy, **43:4**  
 Uniform Trade Secrets Act, **43:1**

## **MONETARY RELIEF**

Restatement (Third) of Unfair Competition, **3:23**  
 Simultaneous injunctive and monetary relief, **7:1**

## **MONOPOLIES**

Antitrust law, **11:11**  
 Licensing, exhaustion of monopoly doctrine, **16:19**

## **MONTANA**

Generally, **44:1**  
 Restrictive covenants, **44:2**  
 Uniform Trade Secrets Act, **44:1**

## **MORALITY**

Commercial morality, **1:3**

## **MOTIONS**

Freedom of Information Act (FOIA), motion to intervene, **12:18**  
 Seizing trade secret property, motion papers and orders, sample, **App K**

## **NEBRASKA**

Generally, **45:1 to 45:3**  
 Common law definitions, **45:2**  
 Restrictive covenants, **45:3**  
 Uniform Trade Secrets Act, **45:1**

## **NECESSARY PROOFS**

Preliminary injunctions, **7:10**

## INDEX

### NEVADA

- Generally, **46:1, 46:2**
- Restrictive covenants, **46:2**
- Uniform Trade Secrets Act, **46:1**

### NEW HAMPSHIRE

- Generally, **47:1 to 47:3**
- Common law definitions, **47:2**
- Restrictive covenants, **47:3**
- Uniform Trade Secrets Act, **47:1**

### NEW JERSEY

- Generally, **48:1 to 48:21**
- Choice of law rule, **48:3, 48:18**
- Common law definitions, **48:1.50**
- Construction and interpretation, **48:14**
- Contracts and agreements, **48:12, 48:14**
- Copyright law, **48:4**
- Criminal penalties, **48:19**
- Damages, **48:10**
- Discovery, **48:11**
- Elements of proof, **48:2**
- Enforcement, rules of, **48:15**
- Evidence, **48:2**
- Freedom of Information Law, **48:21**
- Injunctions, **48:7 to 48:9, 48:17**
- Invention agreements, **48:12**
- New Jersey Trade Secrets Act, **48:1**
- Nontechnical information, **48:5**
- Penalties, **48:19**
- Permanent injunctions, **48:9**
- Preemption by Copyright Law, **48:4**
- Preliminary injunctions, **48:7**
- Protectable interest, **48:16**
- Public policy, **48:13**
- Remedies, generally, **48:6 to 48:10**
- Restrictive covenants
  - Generally, **48:13 to 48:18**
  - Choice of law rule, **48:18**
  - Contract construction, **48:14**
  - Enforcement, rules of, **48:15**
  - Injunctions, **48:17**
  - Protectable interest, **48:16**
  - Public policy, **48:13**
- Specificity of injunction, **48:8**
- Unfair competition, **48:20**

### NEW MEXICO

- Generally, **49:1 to 49:3**
- Common law definitions, **49:2**
- Restrictive covenants, **49:3**
- Uniform Trade Secrets Act, **49:1**

### NEW YORK

- Generally, **50:1 to 50:21**
- Bonds, **50:10**
- Choice of law rules, **50:14**
- Common law definitions, **50:1**
- Computer programs, **50:8**
- Construction and interpretation, **50:17**
- Contract construction, **50:17**
- Copyright law, **50:6**
- Damages, **50:12**
- Definitions, **50:1**
- Discovery, **50:15**
- Elements of proof, **50:2 to 50:4**
- Enforcement, rules of, **50:18**
- Evidence, **50:2 to 50:4**
- Freedom of Information Law, **50:21**
- Injunctions, **50:9 to 50:11**
- Jurisdiction, **50:13**
- Non-technical information, **50:7**
- Original ideas, protection for, **50:5**
- Permanent injunctions, **50:11**
- Preemption by Copyright Law, **50:6**
- Preliminary injunction bonds, **50:10**
- Preliminary injunctions, **50:9**
- Protection for original ideas, **50:5**
- Public policy, **50:16**
- Relative secrecy, **50:3**
- Remedies, **50:9 to 50:12, 50:19**
- Restrictive covenants, **50:16 to 50:19**
- Secrecy, relative, **50:3**
- Security precautions, **50:4**
- Trial, **50:15**
- Unfair competition, **50:20**

### 1957 ROME TREATY PROVISIONS AND REGULATIONS

- Patent and know-how licenses, **App O**

### 1979 UNIFORM TRADE SECRETS ACT

- Uniform Trade Secrets Act (this index)

**1985 PATENT BLOCK  
EXEMPTIONS**

Generally, **16:20 to 16:23**

**1988 ANTITRUST ENFORCEMENT  
GUIDELINES**

U.S. Department of Justice Licensing  
guidelines, **App M**

**1989 KNOW-HOW BLOCK  
EXEMPTIONS**

Generally, **16:24 to 16:27**

**1995 ANTITRUST GUIDELINES**

U.S. Department of Justice Licensing  
guidelines, **App M**

**1996 COMBINED PATENT AND  
KNOW-HOW BLOCK  
EXEMPTIONS**

Generally, **16:28 to 16:31**

**NON-COMPETE AGREEMENTS**

Puerto Rico, **56A:2**

**NONCONFIDENTIAL IDEA  
SUBMISSION CONTRACTS**

Used by recipients of submission,  
exemplary, **App D**

**NON-DISCLOSURE  
AGREEMENTS**

Germany, protection of trade secrets,  
**16:35**

**NONEMPLOYEES**

Termination of trade secrets, **6:3**  
Title and ownership, submission of  
ideas by, **8:11**

**NON-PROFIT ENTITIES**

Illinois, persons covered, **31:4**

**NON-SECRET INFORMATION**

Establishing case, **5:50**

**NONTECHNICAL BUSINESS  
INFORMATION**

Illinois, **31:5, 31:20**

**NONTECHNICAL INFORMATION**

Florida, **27:5**  
New Jersey, **48:5**  
New York, **50:7**

**NONTECHNICAL INFORMATION  
—Cont'd**

Pennsylvania, **56:4**  
Texas, **61:7**  
Wisconsin, **68:3**

**NONTECHNICAL SECRETS**

Definitions, **3:3**

**NON-UNIFORM STATE ACTS**

Uniform Trade Secrets Act, **3:32**

**NORTH CAROLINA**

Generally, **51:1 to 51:3**  
Invention agreements, **51:3**  
North Carolina Trade Secrets Act,  
**51:1**  
Restrictive covenants, **51:2**

**NORTH DAKOTA**

Generally, **52:1 to 52:3**  
Employee inventions and other work  
product, **52:3**  
North Dakota Trade Secrets Act, **52:1**  
Restrictive covenants, **52:2**

**NOTICE AND KNOWLEDGE**

Computer technology, **9:4, 9:15**  
Contracts and agreements, **App B1,**  
**App B2**  
Copyright law, **10:8**  
Evidence, **5:28, 5:29**  
**Licenses and Licensing** (this index)  
Restatement (Third) of Unfair Com-  
petition, **3:16**  
Title and ownership, **8:6**  
Uniform Trade Secrets Act, **3:36 to**  
**3:39**

**NOVELTY**

California, **22:9**  
Evidence, **5:27 to 5:29**  
Ohio, **53:4**

**OBJECT CODES**

Computer technology, **9:11, 9:12**

**OHIO**

Generally, **53:1 to 53:9**  
Common law definitions, **53:1**  
Contracts and agreements, **53:7**  
Definitions, **53:1**



## INDEX

### **OHIO—Cont'd**

- Elements of proof, **53:5**
- Employment contracts, **53:7**
- Evidence, **53:5**
- Limitation of actions, **53:9**
- 1979 Uniform Trade Secrets Act (repealed), **App A3**
- Novelty requirements, **53:4**
- Policy considerations, **53:2**
- Relative secrecy requirements, **53:3**
- Remedies, **53:6**
- Restrictive covenants, **53:8**
- Secrecy, relative, **53:3**
- Statutory definitions, **53:1**

### **OKLAHOMA**

- Generally, **54:1 to 54:4**
- Common law definitions, **54:2**
- Long-arm jurisdiction, **54:3**
- Oklahoma Trade Secrets Act, **54:1**
- Remedies, **54:2.50**
- Restrictive covenants, **54:4**

### **ORDERS**

- Motion papers and orders seizing trade secret property, sample, **App K**
- Protective orders, disclosure under, **5:33**
- Temporary restraining orders, **7:3**

### **ORDINARY INCOME**

- Taxation, **14:4**

### **OREGON**

- Generally, **55:1 to 55:5**
- Common law definitions, **55:1**
- Confidential relationships, **55:2**
- Definitions, **55:1**
- Elements of proof, **55:3**
- Evidence, **55:3**
- Remedies, **55:4**
- Restrictive covenants, **55:5**
- Statutory definitions, **55:1**

### **ORIGINAL IDEAS**

- Florida, **27:4**
- New York, **50:5**

### **PACKAGE LABEL**

- Computers, **App C2**

### **PAPERS**

- Motion papers and orders seizing trade secret property, sample, **App K**

### **PARTIAL ENFORCEMENT**

- Illinois, **31:28**
- Restrictive covenants, **13:8**

### **PARTIES**

- Injunctions, **7:16**

### **PATENT AND TRADEMARK OFFICE (PTO)**

- Submissions to, **10:4**

### **PATENT EXHAUSTION DOCTRINE**

- Patent law, **10:6**

### **PATENT LAW**

- Generally, **10:1 to 10:8**
- Antitrust law, **11:2**
- Conflicts between first inventors, **10:3**
- European Economic Community (EEC) 1957 Rome Treaty provisions and regulations dealing with patent and know-how licenses, **App O**
- Exhaustion doctrine, **10:6**
- First inventors, conflicts between, **10:3**
- Japanese guidelines for regulation of unfair trade practices, **App N**
- Licenses and Licensing (this index)
- Patent and Trademark Office (PTO), **10:4**
- Patent exhaustion doctrine, **10:6**
- Preemption, **10:2**
- Public versus secret use, **10:5**
- Secret use, **10:5**
- Submissions to Patent and Trademark Office (PTO), **10:4**
- Taxation, **14:6 to 14:8**
- Termination of trade secrets, **6:6**
- Title and ownership, **8:4**
- Use, **10:5**

### **PENALTIES**

- Massachusetts, **39:6**
- New Jersey, **48:19**

**PENNSYLVANIA**

Generally, **56:1 to 56:8**  
 Common law definitions, **56:2**  
 Criminal sanctions, **56:8**  
 Definitions, **56:2**  
 Elements of proof, **56:3**  
 Evidence, **56:3**  
 Limitation of actions, **56:6**  
 Non-technical information, **56:4**  
 Remedies, **56:5**  
 Restrictive covenants, **56:7**  
 Sanctions, **56:8**  
 Uniform Trade Secrets Act, **56:1**

**PERMANENT INJUNCTIONS**

Generally, **7:12 to 7:14**  
 Limited permanent injunctions, **43:8**  
 Missouri, **43:8**  
 New Jersey, **48:9**  
 New York, **50:11**

**PERMISSIVE EXEMPTIONS**

Freedom of Information Act (FOIA),  
**12:12**

**PERPETUAL INJUNCTIONS**

Generally, **7:13**

**PHYSICAL SECURITY**

Evidence, **5:20**

**PLACE OR LOCATION**

California, **22:12**  
 Delivery routes, **22:12**  
 Reasonable in time, area and subject  
 matter, **13:7**  
 Restrictive covenants, **13:7**

**PLEADINGS**

Generally, **5:38**  
 California, **22:15**  
 Defend Trade Secrets Act (DTSA),  
**4:7**  
 Illinois, **31:16**  
 Sample, **App G**  
 Sufficiency of pleadings, **31:16**  
 Uniform Trade Secrets Act, **3:33**

**PREEMPTION**

California, **22:6.50**  
 Causes of action, **31:15**

**PREEMPTION—Cont'd**

Computer technology, **9:9, 9:18**  
**Copyright Law** (this index)  
 Missouri, **43:1.30**  
 Patent law, **10:2**  
 Uniform Trade Secrets Act, **3:47**  
 Washington, **66:1.70**

**PREJUDGMENT INTEREST**

Illinois, **31:12**  
 Uniform Trade Secrets Act, **3:45**

**PRELIMINARY INJUNCTION  
 BONDS**

Florida, **27:9**  
 New York, **50:10**

**PRELIMINARY INJUNCTIONS**

Generally, **7:4 to 7:11**  
 Bonds, **7:11, 27:9, 50:10**  
 Florida, **27:8, 27:9**  
 Hardships and public interest, bal-  
 ance of, **7:9**  
 Inevitability doctrine, **7:6**  
 Irreparable harm, **7:5 to 7:7**  
 Likelihood of success, **7:8**  
 Missouri, **43:7**  
 Necessary proofs, **7:10**  
 New Jersey, **48:7**  
 New York, **50:9, 50:10**  
 Presumption of harm, **7:7**  
 Public interest, **7:9**  
 Restatement (Third) of Unfair Com-  
 petition, **3:22**

**PREPONDERANCE OF EVIDENCE  
 TEST**

Establishing case, **5:4**

**PRESUMPTION OF HARM**

Preliminary injunctions, **7:7**

**PRICE**

Antitrust law, **11:5**

**PRIVACY**

Protection of fundamental right of,  
**1:5**

**PRIVATE DISCLOSURE**

Restatement (Third) of Unfair Com-  
 petition, **3:14**

## INDEX

### PRIVATE INFORMATION

Freedom of Information Act (FOIA),  
12:2

### PRIVILEGE

Fifth Amendment in civil suits, 5:39  
Florida, 27:13

### PROFESSIONS

California Business and Professions  
Code Section 16600, 22:20

### PROFIT ENTITIES

Illinois, persons covered, 31:4

### PROPERTY

California, common law definitions,  
22:10  
Civil actions, 4:3  
Criminal sanctions, 4:4  
Missouri, 43:2  
Motion papers and orders seizing  
trade secret property, sample,  
App K

### PROTECTABLE INTEREST

Florida, 27:18  
Illinois, 31:24  
New Jersey, 48:16  
Restrictive covenants, 13:9

### PROTECTIVE ORDERS

Disclosure under, 5:33

### PUBLICATIONS

Copyright, 6:5

### PUBLIC DISCLOSURE

Restatement (Third) of Unfair Com-  
petition, 3:14

### PUBLIC INFORMATION ACT

Maryland, 38:5

### PUBLIC INTEREST

Preliminary injunctions, 7:9

### PUBLIC KNOWLEDGE

Evidence, 5:29

### PUBLICLY AVAILABLE

#### PRODUCTS

Termination of trade secrets, 6:4

### PUBLIC POLICIES

Generally, 1:1 to 1:5  
Commercial morality maintenance,  
1:3  
Florida, 27:15  
Freedom of Information Act (FOIA),  
12:1  
Illinois, 31:18  
Importance of trade secrets, 1:1  
Innovation, encouragement of, 1:4  
Modern high technology protection,  
1:2  
New Jersey, 48:13  
New York, 50:16  
Privacy, protection of fundamental  
right of, 1:5  
Research, encouragement of, 1:4

### PUBLIC USE

Patent law, 10:5

### PUERTO RICO

Generally, 56A:1 to 56A:2  
Industrial and Trade Secrets Protec-  
tion Act, 56A:1  
Non-compete agreements, 56A:2

### PUNITIVE DAMAGES

Generally, 7:24  
Illinois, 31:11  
Restatement (Third) of Unfair Com-  
petition, 3:26

### PURE PATENT LICENSE

Generally, 15:7

### PURE TRADE SECRET LICENSE

Generally, 15:4 to 15:6

### QUANTITY RESTRICTIONS

Antitrust law, 11:8

### QUESTIONABLE RESTRICTIONS

Japanese guidelines, 16:15

### QUESTION OF FACT

Establishing case, 5:2

### READILY ASCERTAINABLE INFORMATION

Evidence, 5:11  
Illinois, 31:7

**READILY ASCERTAINABLE  
INFORMATION—Cont'd**

Uniform Trade Secrets Act, **3:36 to 3:39**

Virginia, **65:3**

**REASONABLE IN TIME, AREA  
AND SUBJECT MATTER**

Restrictive covenants, **13:7**

**REASONABLE ROYALTY**

Royalties (this index)

**REASONABLE SECRECY  
PRECAUTIONS**

Evidence (this index)

**RECIPIENTS**

Nonconfidential idea submission  
contracts, exemplary, **App D**

**RECORDS AND RECORDING**

Disclosure in court records, **5:36**

Evidence, **5:19**

**REGIONAL CIRCUIT LAW**

Choice of law, **4:16**

**REGISTRATION**

Copyright law, **10:8**

**RELATED LAWSUITS**

Generally, **5:34**

**RELATIVE SECRECY**

Evidence, **5:15**

Illinois, **31:6**

New York, **50:3**

Ohio, **53:3**

Restatement (Third) of Unfair Com-  
petition, **3:8**

**REMEDIES**

Generally, **7:1 to 7:27**

Defend Trade Secrets Act, this index  
Tennessee, **60:5**

**RESEARCH**

Encouragement of, **1:4**

Taxation, **14:9 to 14:12**

**RESTATEMENT ACT**

Freedom of Information Act (FOIA),  
Exemption 4, **12:6, 12:7**

**RESTATEMENT OF TORTS**

Definitions, **3:4**

**RESTATEMENT (THIRD) OF  
UNFAIR COMPETITION**

Generally, **3:5 to 3:26**

Accidental disclosure, **3:15**

Acquisitions, **3:11**

Attorneys' fees, **3:26**

Confidence, breach of, **3:17**

Customer lists, **3:9**

Damages, **3:24 to 3:26, 7:23**

Definitions, generally, **3:5 to 3:26**

Disclosure. Misappropriation of trade  
secrets, below

Duration, **3:21, 3:25**

Employer/employee ownership, **3:18**

Improper acquisition, **3:11**

Improper use or disclosure. Misap-  
propriation, below

Injunctions, **3:19 to 3:22, 7:18**

Lists and listing, **3:9**

Misappropriation

Generally, **3:11 to 3:16**

Improper acquisition, **3:11**

Improper use or disclosure

Generally, **3:12 to 3:16**

Accidental disclosure, **3:15**

Knowledge, **3:16**

Public or private disclosure,  
**3:14**

Use, generally, **3:13**

Injunctions, **3:19 to 3:22**

Monetary relief, **3:23 to 3:26**

Relief, generally, **3:19 to 3:26**

Trade values, **3:5**

Monetary relief, **3:23 to 3:26**

Notice and knowledge, **3:16**

Preliminary injunctions, **3:22**

Private disclosure, **3:14**

Punitive damages, **3:26**

Relative secrecy, **3:8**

Security precautions, **3:10**

Time or date, **3:21, 3:25**

Title and ownership, **3:18**

Use or disclosure. Misappropriation,  
above

Value and valuation, **3:5, 3:7**

## INDEX

### RESTATEMENT SECTION 757

- California, **22:8**
- Common law, **43:3**
  - Missouri, **43:5**
- Missouri, **43:3**
  - Common law, **43:3**

### RESTRAINING ORDERS

- Generally, **7:3**
- Barring former employee from using trade secrets, **App G1**

### RESTRICTIVE COVENANTS

- Generally, **13:1 to 13:10**
- Alabama, **18:5**
- Alaska, **19:2**
- Arizona, **20:3**
- Arkansas, **21:3**
- Business interests, **13:9**
- California, **22:19, 22:20**
- Choice of law rules, **13:6**
- Colorado, **23:4**
- Condition of employment, **13:5**
- Confidentiality agreements, **13:2 to 13:4**
- Connecticut, **24:3**
- Delaware, **26:4**
- Employment, **13:5**
- Enforcement, partial, **13:8**
- Florida** (this index)
- Georgia, **28:3**
- Guam, **28A:2**
- Hawaii, **29:3**
- Idaho, **30:2**
- Illinois** (this index)
- Indiana, **32:4**
- Iowa, **33:3**
- Kansas, **34:5**
- Kentucky, **35:3**
- Louisiana, **36:4**
- Maine, **37:2**
- Maryland, **38:4**
- Massachusetts, **39:7**
- Michigan, **40:4**
- Minnesota, **41:4**
- Mississippi, **42:3**
- Missouri, **43:10**
- Montana, **44:2**
- Nebraska, **45:3**

### RESTRICTIVE COVENANTS

#### —Cont'd

- Nevada, **46:2**
- New Hampshire, **47:3**
- New Jersey** (this index)
- New Mexico, **49:3**
- New York, **50:16 to 50:19**
- North Carolina, **51:2**
- North Dakota, **52:2**
- Ohio, **53:8**
- Oklahoma, **54:4**
- Oregon, **55:5**
- Partial enforcement, **13:8**
- Pennsylvania, **56:7**
- Place or location, **13:7**
- Protectable business interests, **13:9**
- Reasonable in time, area and subject matter, **13:7**
- Relief granted for breach, **13:10**
- Rhode island, **57:1 to 57:4**
- South Carolina, **58:3**
- South Dakota, **59:3**
- State statutes, **App I**
- Statutes, state, **App I**
- Subject matter, reasonableness, **13:7**
- Tennessee, **60:4**
- Texas, **61:9**
- Time, reasonable, **13:7**
- Utah, **62:6**
- Virginia, **65:4**
- Washington, **66:4**
- West Virginia, **67:2**
- Wisconsin, **68:4**
- Wyoming, **69:5**

### RETURN

- Stolen trade secrets, **7:28**

### REVERSE ENGINEERING

- Evidence, **5:10**
- Illinois, **31:3**

### REVERSE FOIA SUITS

- Post-Chrysler FOIA law, **12:17**

### RHODE ISLAND

- Generally, **57:1 to 57:3**
- Common law definitions, **57:2**
- Common law remedies, **57:3**
- Restrictive covenants, **57:4**

**RHODE ISLAND—Cont'd**

Uniform Trade Secrets Act, **57:1**

**ROME**

European Economic Community (EEC) 1957 Rome Treaty provisions and regulations dealing with patent and know-how licenses, **App O**

European Union Trade Secret Directive, **App O2**

**ROYALTIES**

Antitrust law, **11:7**

Damages, **7:21**

**SANCTIONS**

**Criminal Law** (this index)

**SECRECY**

Antitrust law, **11:3**

Computer technology, **9:5**

Illinois, **31:6**

Missouri, **43:4**

New York, **50:3**

Ohio, **53:3**

**SECRET USE**

Patent law, **10:5**

**SECURITY CHECKLIST**

**Evidence** (this index)

**SECURITY PRECAUTIONS**

Computer technology, **9:7**

New York, **50:4**

Restatement (Third) of Unfair Competition, **3:10**

**SECURITY PROGRAMS**

Evidence, **5:16**

**SEIZURE**

Defend Trade Secrets Act (DTSA), **4:10**

Motion papers and orders seizing trade secret property, sample, **App K**

Stolen trade secrets, **7:28**

**SELECTION OF CONTROLLING LAW**

Licensing, **15:2**

**SELECTION OF CONTROLLING LAW—Cont'd**

Limitation of actions, **4:18**

**SEMICONDUCTOR CHIP**

**PROTECTION ACT OF 1984**

Computer technology, **9:16 to 9:18**

**SHELLMAR RULE**

Termination of trade secrets, **6:9**

**SHRINKWRAP LICENSES**

Generally, **15:11**

Computer technology, **9:10, 9:14**

**SIMULTANEOUS INJUNCTIVE AND MONETARY RELIEF**

Generally, **7:1**

**SKILLS**

Title and ownership, **8:6**

**SOFTWARE**

**Computers and Computer Technology** (this index)

**SOURCE CODES**

Computer technology, **9:11, 9:12**

**SOUTH CAROLINA**

Generally, **58:1 to 58:3**

Common law definitions, **58:2**

Restrictive covenants, **58:3**

Uniform Trade Secrets Act, **58:1**

**SOUTH DAKOTA**

Generally, **59:1 to 59:3**

Common law definitions, **59:2**

Restrictive covenants, **59:3**

Uniform Trade Secrets Act, **59:1**

**SOVEREIGN IMMUNITY**

Litigation, waiver of sovereign immunity, **5:49**

Uniform Trade Secrets Act, **3:48, 3:49**

**SPECIFICITY OF INJUNCTION**

New Jersey, **48:8**

**STAMPS**

Evidence, **5:23**

**STATE LAWS**

See also specific states in this index

## INDEX

### STATE LAWS—Cont'd

- Criminal statutes, **App L**
- Freedom of Information Act (FOIA)
  - Florida, **27:27**
  - New Jersey, **48:21**
  - New York, **50:21**
- Inventions and trade secrets, ownership rights to, **App H**
- Licensing, **15:4**
- Ownership rights to inventions and trade secrets, **App H**
- Restrictive covenants, **App I**
- Title and ownership, **App H**
- Trade secrets acts
  - Alabama, **18:1, App A2**
  - Alaska, **19:1**
  - Arizona, **20:1**
  - Arkansas, **21:1**
  - Colorado, **23:1**
  - Connecticut, **24:1**
  - Delaware, **26:1**
  - New Jersey, **48:1.50**
  - North Carolina, **51:1**
  - North Dakota, **52:1**
  - Oklahoma, **54:1**
  - Tennessee, **60:1, App A2**
  - Texas, **61:1, App A2**
- Uniform Trade Secrets Act** (this index)

### STATES COVERED

- Uniform Trade Secrets Act, **3:29**

### STATE SOVEREIGN IMMUNITY

- Uniform Trade Secrets Act, **3:48**

### STATES SECRETS

- Disclosure, **5:37**

### STATE TAX

- Generally, **14:13**

### STATUTES

- Asian Nations, comparison of trade secret laws for United States and, **App Q**
- Computer Fraud and Abuse Act of 1986, **9:19, App U**
- Computers and Computer Technology** (this index)
- Criminal sanctions, **4:5**

### STATUTES—Cont'd

- Defend Trade Secrets Act, **4:6 to 4:12, App P3**
- Definitions
  - Ohio, **53:1**
  - Oregon, **55:1**
- Uniform Trade Secrets Act** (this index)
  - Wisconsin, **68:1**
- District of Columbia, **25:1**
- Economic Espionage Act of 1996, **4:5**
- Economic Espionage Act of 1996 (18 U.S.C. §§ 1831-1839), **App P1, App P2**
- Federal tax laws, **App J**
- Freedom of Information Act (FOIA)** (this index)
- Lanham Act, Section 43(a), **5:45**
- Licenses and Licensing** (this index)
- Protection, **App F**
- Tax laws, federal, **App J**
- Tax Reform Act of 1986, **14:1**
- Theft, **App F**
- Trade Secrets Acts
  - 18 U.S.C. § 1905. **Freedom of Information Act (FOIA)** (this index)
  - State Laws** (this index)
- Uniform Trade Secrets Act** (this index)

### STIPULATIONS

- Illinois, **31:27**

### STOLEN TRADE SECRETS

- Return of property incorporating, **7:28**
- Seizure, **7:28**

### SUBJECT MATTER

- Restrictive covenants, reasonableness, **13:7**

### SUBMISSION

- Ad hoc, **8:10**
- Confidential idea submission contracts, exemplary, **App E**
- Nonconfidential idea submission contracts, exemplary, **App D**
- Patent and Trade Office (PTO), **10:4**



**SUBMISSION—Cont'd**  
 Suggestion programs, **8:9**

**SUBSTANTIAL COMPETITIVE HARM**  
 Freedom of Information Act (FOIA), Exemption 4, **12:10**

**SUCCESS**  
 Preliminary injunctions, **7:8**

**SUFFICIENCY OF PLEADINGS**  
 Illinois, **31:16**

**SUGGESTION PROGRAMS**  
 Title and ownership, **8:9**

**SUPPLIER**  
 Evidence, **5:22**

**SUPREME COURT**  
 U.S. Supreme Court (this index)

**TAIWAN TRADE SECRETS ACT**  
 January 19, 1996, **App T**

**TAXABLE PROPERTY**  
 Generally, **14:1 to 14:3**

**TAXATION**  
 Generally, **14:1 to 14:13**  
 Amortization, Section 174(b), **14:10**  
 Capital gains treatment, **14:5, 14:7, 14:8**  
 Computer software costs, **14:11**  
 Costs and expenses, **14:9, 14:11**  
 Credit, **14:12**  
 Current expenses, **14:9**  
 Deductions, **14:9 to 14:11**  
 Definitions, **14:2, 14:3**  
 Experimentation, **14:9 to 14:12**  
 Federal tax laws, **App J**  
 Gains, capital, **14:5, 14:7, 14:8**  
 Income, ordinary, **14:4**  
 IRS definition of taxable property, **14:3**  
 Ordinary income treatment, **14:4**  
 Patents, **14:6 to 14:8**  
 Research and experimentation credit, **14:12**  
 Research and experimentation deductions, **14:9 to 14:11**  
 Section 174(a) current expense, **14:9**

**TAXATION—Cont'd**  
 Section 174(b) amortization, **14:10**  
 Software costs, **14:11**  
 State tax, **14:13**  
 Statutes, Tax Reform Act of 1986, **14:1**  
 Supreme Court definition of taxable property, **14:2**  
 Taxable property, **14:1 to 14:3**  
 Tax Reform Act of 1986, **14:1**

**TAX REFORM ACT OF 1986**  
 Generally, **14:1**

**TECHNOLOGY LICENSES**  
 Asian laws, **17:8**

**TEMPORARY RESTRAINING ORDERS**  
 Generally, **7:3**  
 Barring former employee from using trade secrets, **App G1**  
 Defend Trade Secrets Act (DTSA), **4:9**

**TENNESSEE**  
 Generally, **60:1 to 60:5**  
 Choice of law, **60:3**  
 Common law definitions, **60:2**  
 Remedies, **60:5**  
 Restrictive covenants, **60:4**  
 Uniform Trade Secrets Act, **60:1, App A2**

**TERMINATION OF EMPLOYMENT**  
 Licensing, **15:5, 15:6**  
 Title and ownership, **8:3**

**TERMINATION OF TRADE SECRETS**  
 Generally, **6:1 to 6:10**  
 Conmar rule, **6:10**  
 Copyrighted publications, **6:5**  
 Disclosure, **6:4 to 6:7**  
 Effect, generally, **6:8 to 6:10**  
 Employee/employer situations, **6:2**  
 Internet postings, **6:7**  
 Nonemployee situations, **6:3**  
 Patents issued, **6:6**  
 Publications, copyrighted, **6:5**

## INDEX

### TERMINATION OF TRADE SECRETS—Cont'd

Publicly available products, **6:4**  
Shellmar rule, **6:9**

### TERRITORIES

Antitrust law, **11:6**  
Illinois, **31:25**  
Injunctions, **7:17**

### TESTS

Computers, **App C2**  
Evidence, **5:4, 5:5**

### TEXAS

Generally, **61:1 to 61:10**  
Common law definitions, **61:2**  
Confidential relationships, **61:3**  
Criminal statutes, **61:10**  
Definitions, **61:2**  
Elements of proof, **61:5**  
Evidence, **61:5**  
Limitation of actions, **61:6**  
Misappropriation, unfair competition  
by, **61:4**  
Non-technical information, **61:7**  
Remedies, **61:8**  
Restrictive covenants, **61:9**  
Statutes, **61:10**  
Unfair competition by misappropriation,  
**61:4**  
Uniform Trade Secrets Act, **61:1,**  
**App A2**

### THEFT

Statutes, **App F**

### TIME OR DATE

Antitrust law, **11:7**  
Restatement (Third) of Unfair Competition,  
**3:21, 3:25**  
Restrictive covenants, **13:7, 31:25**  
**Title and Ownership** (this index)

### TITLE AND OWNERSHIP

Generally, **8:1 to 8:11**  
Ad hoc submissions, **8:10**  
Anticipation of competition, acts in,  
**8:7**  
Common law, **8:1, 8:5**

### TITLE AND OWNERSHIP—Cont'd

Competition, acts in anticipation of,  
**8:7**  
Conditions of disclosure, **8:2 to 8:5**  
Disclosures during employment  
Generally, **8:1 to 8:7**  
Anticipation of competition, acts  
in, **8:7**  
Common law, **8:1, 8:5**  
Conditions of disclosure, **8:2 to**  
**8:5**  
Patent acts of employee, **8:4**  
Termination, ideas after, **8:3**  
Use of general knowledge and  
skills, **8:6**  
Employment  
Disclosures during employment,  
above  
Submission of ideas by employees,  
**8:8 to 8:10**  
Establishing case, **5:3**  
Evidence, **5:6, 5:7**  
Nonemployees, **8:11**  
Notice and knowledge, **8:6**  
Patent acts of employee, **8:4**  
Restatement (Third) of Unfair Competition,  
**3:18**  
Skills, use of, **8:6**  
State laws, rights to inventions and  
trade secrets, **App H**  
Submission of ideas by non employees,  
**8:8 to 8:10**  
Submission of ideas by  
nonemployees, **8:11**  
Suggestion programs, **8:9**  
Termination, ideas after, **8:3**  
Use of general knowledge and skills,  
**8:6**

### TORTS

Generally, **4:2**  
Choice of law, **4:15**  
Damages, **7:19**  
Limitation of actions, **4:20**

### TREATIES

European Economic Community  
(EEC) 1957 Rome Treaty provisions  
and regulations dealing

**TREATIES—Cont'd**

with patent and know-how  
licenses, **App O**

**TRIAL**

California, **22:15**  
Disclosure, **5:35**  
Jury trial, generally, **5:47**  
New York, **50:15**

**TYPING AGREEMENTS**

Antitrust law, **11:10**

**UNACCEPTABLE RESTRICTIONS**

Japanese guidelines, **16:16**

**UNFAIR COMPETITION**

Florida, **27:26**  
Germany, **16:33**  
Japan Unfair Competition Prevention  
Law (Law No. 14 of 1934 after  
1993 Amendment), **App R**  
Korea, Unfair Competition Preven-  
tion Act of (1992), **App S**  
New Jersey, **48:20**  
New York, **50:20**  
**Restatement (Third) of Unfair  
Competition** (this index)  
Texas, **61:4**

**UNFAIR TRADE PRACTICES**

Japanese guidelines, **App N**  
**Licenses and Licensing** (this index)

**UNIFORM TRADE SECRETS ACT**

Generally, **3:28 to 3:49**  
Attorneys' fees, **3:44**  
Construction and interpretation, **3:30**  
Contracts, rights under versus rights  
under Act, **3:50**  
Customer lists, **3:37**  
Damages, **3:42**  
Definitions, generally, **3:34 to 3:39**  
District of Columbia, **25:1**  
Economic value, **3:35**  
Effective date, **3:46**  
Florida, **27:1**  
Freedom of Information Act (FOIA),  
Exemption 4, **12:6, 12:7**  
General construction, **3:30**  
Georgia, **28:1**

**UNIFORM TRADE SECRETS ACT**

**—Cont'd**

Hawaii, **29:1**  
Idaho, **30:1**  
Illinois, **31:2**  
Immunity, **3:48, 3:49**  
Independent economic value, **3:35**  
Indiana, **32:1**  
Injunctive relief, **3:43**  
Interest on money, **3:45**  
Internet, **3:39**  
Iowa, **33:1**  
Kansas, **34:1**  
Kentucky, **35:1**  
Limitation of actions, **3:46, 4:22**  
Lists and listings, **3:37**  
Louisiana, **36:1**  
Maine, **37:1**  
Maintain secrecy, efforts to, **3:40**  
Maryland, **38:1**  
Michigan, **40:1**  
Minnesota, **41:1**  
Misappropriation, **3:41, 65:4**  
Mississippi, **42:1**  
Missouri, **43:1**  
Montana, **44:1**  
Nebraska, **45:1**  
Nevada, **46:1**  
New Hampshire, **47:1**  
New Mexico, **49:1**  
1979 Uniform Trade Secrets Act  
Additional state trade secret  
statutes (Massachusetts, Mis-  
souri, and Ohio) (repealed),  
**App A3**  
Prefatory note and comments,  
with, **App A1**  
Variations on Uniform Act by  
states, **App A2**  
Non-uniform state acts, **3:32**  
Not generally known or readily  
ascertainable, **3:36 to 3:39**  
Notice and knowledge, **3:36 to 3:39**  
Other subject matter, **3:38**  
Pennsylvania, **56:1**  
Pleadings under Act, **3:33**  
Preemption of other state laws, **3:47,**  
**65:6**

## INDEX

### UNIFORM TRADE SECRETS ACT —Cont'd

Prejudgment interest, **3:45**  
Readily ascertainable, **3:36 to 3:39**  
Relief granted, **3:42 to 3:45**  
Remedies, **65:5**  
Rhode Island, **57:1**  
Rights under Act versus rights under contract, **3:50**  
South Carolina, **58:1**  
South Dakota, **59:1**  
Sovereign immunity, waiver, **3:49**  
States covered, **3:29**  
State sovereign immunity, **3:48**  
State statutes, see lines throughout this index topic  
Utah, **62:1**  
Value, **3:35**  
Variations in state acts, **3:31**  
Variations on Uniform Act by states, **App A2**  
Vermont, **63:1**  
Virginia, **65:1 to 65:8**  
Virgin Islands, **64:1**  
Waiver of sovereign immunity, **3:49**  
Washington, **66:1**  
West Virginia, **67:1**  
Wyoming, **69:1**

### U.S. COMMON LAW

History, **2:3**

### U.S. DEPARTMENT OF JUSTICE

Antitrust law, **11:12 to 11:15**  
Licenses and Licensing (this index)

### U.S. SUPREME COURT

Definitions, **3:27, 14:2**  
History, **2:4**  
Taxation, definition of taxable property, **14:2**

### USE

Antitrust law, **11:8**  
Confidential idea submission contracts, exemplary, **App E**  
Damages, **7:20, 7:22**  
Evidence (this index)  
Nonconfidential idea submission contracts, exemplary, **App D**

### USE—Cont'd

Patent law, **10:5**  
Restatement (Third) of Unfair Competition (this index)  
Title and ownership, **8:6**

### UTAH

Generally, **62:1 to 62:6**  
Attorney's fees, **62:5**  
Common law definitions, **62:2**  
Elements of proof, **62:3**  
Evidence, **62:3**  
Exemplary damages, **62:5**  
Remedies, **62:4**  
Restrictive covenants, **62:6**  
Uniform Trade Secrets Act, **62:1**

### VALIDITY

Licensing of patent rights, **16:10**

### VALUE AND VALUATION

Evidence, **5:31**  
Restatement (Third) of Unfair Competition, **3:5, 3:7**  
Uniform Trade Secrets Act, **3:35**

### VENDOR AGREEMENTS

Evidence, **5:22**

### VENUE

Litigation, federal courts, **5:42**

### VERMONT

Generally, **63:1, 63:2**  
Common law definitions, **63:2**  
Uniform Trade Secrets Act, **63:1**

### VICARIOUS LIABILITY

Damages, **7:26**

### VIRGINIA

Generally, **65:1 to 65:4**  
Elements of proof, **65:2**  
Evidence, **65:2**  
Readily ascertainable information, **65:3**  
Restrictive covenants, **65:4**  
Trade secrets  
Choice of law, **65:7**  
Personal jurisdiction, **65:7**  
Restrictive covenants, **65:8**

**VIRGINIA—Cont'd**

Uniform Trade Secrets Act, **65:1 to 65:8**

**VIRGIN ISLANDS**

Uniform Trade Secrets Act, **64:1**

**WAIVER**

Litigation, waiver of sovereign immunity, **5:49**

Uniform Trade Secrets Act, waiver of sovereign immunity, **3:49**

**WASHINGTON**

Generally, **66:1 to 66:4**

Common law definitions, **66:2**

Preemption, **66:1.70**

Remedies, **66:3**

Restrictive covenants, **66:4**

Statute of limitations, **66:1.30**

Uniform Trade Secrets Act, **66:1**

Elements, **66:2**

Misappropriation, **66:3**

**WEST VIRGINIA**

Generally, **67:1, 67:2**

**WEST VIRGINIA—Cont'd**

Restrictive covenants, **67:2**

Uniform Trade Secrets Act, **67:1**

**WHITE LISTS**

**Licenses and Licensing** (this index)

**WISCONSIN**

Generally, **68:1 to 68:4**

Common law definitions, **68:1**

Definitions, **68:1**

Elements of proof, **68:2**

Evidence, **68:2**

Non-technical information, **68:3**

Restrictive covenants, **68:4**

Statutory definitions, **68:1**

**WYOMING**

Generally, **69:1 to 69:5**

Common law definitions, **69:2**

Jurisdiction, **69:4**

Remedies, **69:3**

Restrictive covenants, **69:5**

Uniform Trade Secrets Act, **69:1**